

CHAPTER 520
REGULATIONS APPLICABLE TO CARRIERS
[Prior to 6/3/87, Transportation Department[820]—(07,F) Ch 8]

761—520.1(321) Safety and hazardous materials regulations.

520.1(1) Regulations.

a. Motor carrier safety regulations. The Iowa department of transportation adopts the Federal Motor Carrier Safety Regulations, 49 CFR Parts 390-399 (October 1, 1997).

b. Hazardous materials regulations. The Iowa department of transportation adopts the Federal Hazardous Materials Regulations, 49 CFR Parts 107, 171-173, 177, 178, and 180 (October 1, 1997). The regulations in the October 1, 1990, edition of Title 49 CFR shall remain in full force and effect in accordance with the transition provisions of 49 CFR Section 171.14 (December 31, 1991).

c. Effect of state law. The Iowa department of transportation will follow and enforce the adopted federal regulations where not in conflict with state law.

d. Obtaining copies of regulations. Copies of the federal regulations may be obtained from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402.

520.1(2) Carriers subject to regulations.

a. Operators of commercial vehicles, as defined in Iowa Code section 321.1 are subject to the federal regulations adopted in this rule unless exempted under Iowa Code section 321.449 or 321.450.

b. Rescinded IAB 9/16/92, effective 10/21/92.

520.1(3) Declaration of knowledge of regulations. Operators of commercial vehicles who are subject to the regulations adopted in this rule shall at the time of application for authority to operate in Iowa or upon receipt of their Iowa registration declare knowledge of the Federal Motor Carrier Safety Regulations and Federal Hazardous Materials Regulations adopted in this rule.

This rule is intended to implement Iowa Code sections 321.1, 321.449 and 321.450.

761—520.2(321) Definitions. The following definitions apply to the regulations adopted in rule 761—520.1(321):

“Any requirements which impose any restrictions upon a person” as used in Iowa Code section 321.449, unnumbered paragraph 8, means the requirements in 49 CFR Parts 391, 394 and 395.

“Clearly labeled” as used in Iowa Code section 321.450, unnumbered paragraph 3, means labeled in compliance with 49 CFR Part 172, Subpart E.

“Driver age qualifications” as used in Iowa Code section 321.449, unnumbered paragraph 3, means the age qualifications in 49 CFR 391.11(b)(1).

“Driver qualifications” as used in Iowa Code section 321.449, unnumbered paragraph 2, means the driver qualifications in 49 CFR Part 391.

“Farm customer” as used in Iowa Code section 321.450, unnumbered paragraph 3, means a retail consumer residing on a farm or in a rural area or city with a population of 3000 or less.

“Gasoline” as used in Iowa Code section 321.450, first unnumbered paragraph, means leaded gasolines, no-lead gasolines, ethanol and ethanol-blended gasolines, aviation gasolines, number 1 and number 2 fuel oils, diesel fuels, aviation jet fuels and kerosene.

“Hours of service” as used in Iowa Code section 321.449, unnumbered paragraph 2, means the hours of service requirements in 49 CFR Part 395.

“Record-keeping requirements” as used in Iowa Code section 321.449, unnumbered paragraph 2, means the record-keeping requirements in 49 CFR Part 395.

“Requirements of placarding and of carrying hazardous materials shipping papers” as used in Iowa Code section 321.450, unnumbered paragraph 3, means the requirements in 49 CFR 177.817 and 177.823.

“Rules adopted under this section concerning physical and medical qualifications” as used in Iowa Code section 321.449, unnumbered paragraphs 5, 6 and 7, and Iowa Code section 321.450, unnumbered paragraph 2, means the regulations in 49 CFR 391.11(b)(6) and 49 CFR Part 391, Subpart E.

“Rules adopted under this section for a driver of a commercial vehicle” as used in Iowa Code section 321.449, unnumbered paragraph 4, means the regulations in 49 CFR Parts 391 and 395.

This rule is intended to implement Iowa Code sections 321.449 and 321.450.

761—520.3(321) Motor carrier safety regulations exemptions.

520.3(1) The following intrastate vehicle operations are exempt from the motor carrier safety regulations concerning inspection in 49 CFR Part 396.17 as adopted in rule 761—520.1(321):

- a. Implements of husbandry including nurse tanks as defined in Iowa Code section 321.1.
- b. Special mobile equipment (SME) as defined in Iowa Code section 321.1.
- c. Unregistered farm trailers as defined in 761—subrule 400.1(3), pursuant to Iowa Code section 321.123.
- d. Motor vehicles registered for a gross weight of five tons or less when used by retail dealers or their employees to deliver hazardous materials, fertilizers, petroleum products and pesticides to farm customers provided the hazardous materials which are transported are clearly labeled.

520.3(2) Reserved.

This rule is intended to implement Iowa Code sections 321.1, 321.123, 321.449 and 321.450.

761—520.4(321) Hazardous materials exemptions. These exemptions apply to the regulations adopted in rule 761—520.1(321):

520.4(1) Pursuant to Iowa Code section 321.450, unnumbered paragraph 3, “retail dealers of fertilizers, petroleum products, and pesticides and their employees while delivering fertilizers, petroleum products and pesticides to farm customers within a 100-mile radius of their retail place of business” are exempt from 49 CFR 177.804; and, pursuant to Iowa Code section 321.449, unnumbered paragraph 4, they are exempt from 49 CFR Parts 391 and 395. However, pursuant to Iowa Code section 321.449, the retail dealers and their employees under the specified conditions are subject to the regulations in 49 CFR Parts 390, 392, 393, 394, 396 and 397.

520.4(2) Pursuant to Iowa Code section 321.450, unnumbered paragraph 3, “motor vehicles registered for a maximum gross weight of five tons or less shall be exempt from the requirements of placarding and of carrying hazardous materials shipping papers if the hazardous materials which are transported are clearly labeled.” This exemption shall apply only to the retail dealers and their employees under the statutory conditions specified in that paragraph.

This rule is intended to implement Iowa Code section 321.450.

761—520.5 Reserved.

761—520.6(307,321) Out-of-service order.

520.6(1) A person shall not operate a commercial vehicle or transport hazardous material in violation of an out-of-service order issued by an Iowa peace officer. An out-of-service order for noncompliance shall be issued when either the vehicle operator is not qualified to operate the vehicle or the vehicle is unsafe to be operated until necessary repairs are made. The out-of-service order shall be consistent with the North American Uniform Out-of-Service Criteria issued by the Federal Highway Administration, Office of Motor Carriers.

520.6(2) Notwithstanding Iowa Code sections 321.449 and 321.450, an operator of a commercial motor vehicle for which a commercial driver’s license is required shall be subject to the 24-hour out-of-service provisions of Iowa Code section 321.208A.

This rule is intended to implement Iowa Code sections 307.12, 321.3, 321.208A, 321.449, and 321.450.

761—520.7(321) Driver's statement. A “driver” as used in Iowa Code section 321.450, unnumbered paragraph 2, shall carry at all times a notarized statement of employment. The statement shall include the following:

1. The driver's name, address and social security number;
2. The name, address and telephone number of the driver's pre-1988 employer; and
3. A statement, signed by the pre-1988 employer or the employer's authorized representative, that the driver was employed to operate a commercial vehicle only in Iowa.

This rule is intended to implement Iowa Code section 321.450.

761—520.8(321) Driver's statement. A “driver” as used in Iowa Code section 321.449, unnumbered paragraph 5, shall carry at all times a notarized statement of employment. The statement shall include the following:

1. The driver's name, address and social security number;
2. The name, address and telephone number of the driver's pre-July 29, 1996, employer;
3. A statement, signed by the pre-July 29, 1996, employer or the employer's authorized representative, that the driver was employed to operate a commercial vehicle only in Iowa; and
4. A statement showing the driver's physical or medical condition existed prior to July 29, 1996.

This rule is intended to implement Iowa Code section 321.449.

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CHAPTERS 521 and 522

Reserved

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